

Rec'd PCT/PTO 08 SEP 2005

DECLARATION FOR ORIGINAL U.S. PATENT APPLICATION

Attorney's Docket No. ISSCP003

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **APPARATUS AND METHOD FOR SURGICAL BYPASS OF AQUEOUS HUMOR**, the specification of which,

(check one)

1. is attached hereto.
2. was filed on March 16, 2005 as
U.S. Application No. 10/528,276
and was amended on _____.
3. was filed on _____ as
International PCT Application Serial No. _____
and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, CFR §1.56.

Prior Foreign Application(s)

I hereby claim foreign priority benefits under Title 35, United States code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PCT/US2003/029488 PCT 09/17/2003 Priority Benefits Claimed?
(Appl. No.) (Country) (Date Filed- Day/Month/Year) Yes No

(Appl. No.) (Country) (Date Filed- Day/Month/Year) Yes No

Provisional Application(s)

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

60/411,668 ✓ 09/17/2002 ✓
(Application No.) (Filing Date)

✓ (Application No.) (Filing Date)

Prior U.S. Application(s)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this applications is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application No.)

(Filing Date)

(Status - patented pending abandoned)

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10/528276

Send Correspondence To:

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Reginald J. Suyat at telephone number (510) 663-1100

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1-0 Typewritten Full Name of

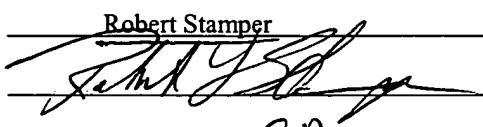
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Inventor's signature:



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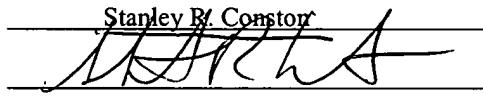
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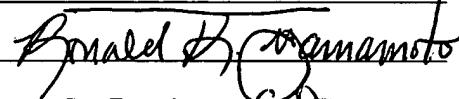
3-0 Full Name of Third Joint Inventor (if any):

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